

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q97391

Akio SUGIHARA, et al.

Appln. No.: 10/594,127

Group Art Unit: 1625

Confirmation No.: 8975

Examiner: Niloofar RAHMANI

Filed: September 25, 2006

For: COMPOSITION OF SOLIFENACIN OR SALT THEREOF FOR USE IN SOLID  
FORMULATION

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under § 1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required. However, since a Statement can be made, a Statement is submitted herewith.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Communication from a foreign patent office (European Office Action dated June 22, 2009) in a counterpart application citing such documents, together with an English-language version (if not already included) of at least that portion of the Communication indicating the degree of relevance found by the foreign patent office.

It is noted that references D1-D7, D8, and D9-12<sup>1</sup> cited in the Report were previously listed on the PTO/SB/08 form submitted with the Information Disclosure Statement filed in the U.S. Patent and Trademark Office on December 10, 2008, and January 25, 2009, along with a copy of each of the cited references.

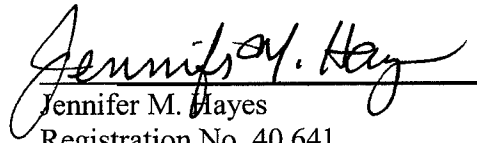
For the Examiner's convenience, enclosed herewith is a copy of a Chinese Office Action along with an English translation issued in a counterpart Application, (Chinese Patent Application No.: 2005800094953) received in reference to the above-identified application. It is noted that there were no newly cited references in the action.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The U.S. PTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Jennifer M. Hayes  
Registration No. 40,641

WASHINGTON DC SUGHRUE/265550

**65565**  
CUSTOMER NUMBER

Date: July 9, 2009

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<sup>1</sup> Reference D11, JP-A-9071761, is listed on the IPER dated October 26, 2006 (submitted to the US PTO on January 25, 2007) and on the European Office Action submitted herewith. However, Applicants believe there was a typo on the IPER as well as the European Office Action submitted herewith, and that JP-A-9071764 is the correct reference. Therefore, JP-A-9071764, was previously cited in the IDS file January 25, 2007).

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STATEMENT UNDER 37 C.F.R. § 1.97(e)

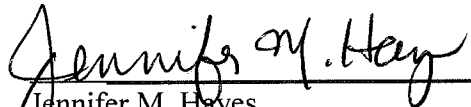
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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